

REGULAR MEETING  
BOROUGH COUNCIL  
BOROUGH OF RUMSON  
November 2, 2006

A regular meeting of the Borough Council of the Borough of Rumson was held in the Charles S. Callman Courtroom of the Memorial Borough Hall on November 2, 2006 and was called to order by Mayor John E. Ekdahl at 7:30 p.m.

Pledge of Allegiance.

Present: Mayor Ekdahl, Councilwoman DeVoe, Councilmen Broderick, Hemphill, Kammerer, Rubin and Shanley.

Absent: None.

Thomas S. Rogers, Municipal Clerk/Administrator, was present.

Donald Steel, Borough Attorney, was present.

C. Bernard Blum, Jr., Borough Engineer, was present.

The Mayor declared a quorum present and announced that the notice requirements of the Open Public Meetings Act had been met by the posting and mailing of a schedule of all regular and work meetings of the Borough Council for the year 2006 to the *Asbury Park Press* and the *Two River Times*.

On motion by Councilwoman DeVoe, seconded by Councilman Hemphill, the minutes of the previous meeting were approved as written, copies having been forwarded to all Council members. All in favor.

**COMMUNICATIONS:**

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**LETTER FROM THE MONMOUTH COUNTY PLANNING BOARD ADVISING THAT RUMSON'S MUNICIPAL STORMWATER MANAGEMENT PLAN AND STORMWATER CONTROL ORDINANCES WERE APPROVED ON OCTOBER 16, 2006 AND THAT THE BOROUGH IS REQUIRED TO POST THEM ON OUR BOROUGH WEBSITE WITHIN 30 DAYS:**

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The Municipal Clerk/Administrator advised of a letter dated October 19, 2006 from Turner Shell, Staff Advisor of the Stormwater Technical Advisory Committee of the Monmouth County Planning Board, advising that Rumson's Municipal Stormwater Management Plan and Stormwater Control Ordinances were approved by the Monmouth County Planning Board on October 16, 2006. The Borough is required to post the Stormwater Plan and Ordinances on the Borough's Website within thirty (30) days of the approval date.

On motion by Councilman Kammerer, seconded by Councilman Shanley, this communication was ordered received. All in favor.

**LETTER FROM THE STATE D.E.P. ADVISING OF THE APPROVAL OF THE COASTAL GENERAL PERMIT OF HOWARD AND MARY LOU GITTLESAN FOR PROPERTY AT 42 GRANT AVENUE:**

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The Municipal Clerk/Administrator advised of a letter from the State of New Jersey Department of Environmental Protection reporting the approval of the Coastal General Permit of Howard and Mary Lou Gittleson for the reconstruction of approximately 126 feet of existing wooden bulkhead in-place using vinyl sheathing for property located at 42 Grant Avenue.

On motion by Councilwoman DeVoe, seconded by Councilman Rubin, this communication was ordered received. All in favor.

**COMMITTEE REPORTS:**

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None.

**UNFINISHED BUSINESS:**

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None.

**NEW BUSINESS:**

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**RESOLUTION TO AUTHORIZE THE REFUND OF THE OVERPAYMENT OF COUNCIL ON AFFORDABLE HOUSING (COAH) FEES:**

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Councilwoman DeVoe offered the following resolution and moved its adoption:

**RESOLUTION REFUNDING OVERPAYMENTS  
OF COAH DEVELOPMENT FEES**

WHEREAS, the Mayor and Council of the Borough of Rumson adopted an Ordinance establishing affordable housing development fees; and

WHEREAS, nine (9) of the estimated added assessed values were more than the final added assessed values therefore causing an overpayment of these development fees;

BE IT RESOLVED that the following be issued refunds in the amounts listed for the referenced block, lot & property locations:

1. Rosanna Fazio & John Floyd, 17 Bellevue Avenue, Rumson, NJ 07760  
Block 18, Lot 14, 17 Bellevue Avenue; \$8,630.00
2. Oceanside Builders, 5 Woodmere Avenue, Rumson, NJ 07760  
Block 61, Lot 32, 152 East River Road, \$713.00
3. Michael & Linda DeCelle, 162 Blackpoint Road, Rumson, NJ 07760  
Block 72, Lot 22, 162 Blackpoint Road, \$5,173.00
4. Denise & Kostantinos Natsis, 78 South Ward Avenue, Rumson, NJ 07760

Block 71, Lot 16, 8 Holly Tree Lane, \$3,803.00

5. Steven Raia, 62 East River Road, Rumson, NJ 07760  
Block 11, Lot 18, 62 East River Road, \$9,092.00
6. Jann Enterprises, 70 Middletown Road, Holmdel, NJ 07733,  
Block 67, Lot 3, 113 Blackpoint Road, \$970.00
7. First Avenue Corp., 66 West River Road, Rumson, NJ 07760  
Block 1, Lot 19, 66 West River Road, \$790.00
8. Little Silver Investors, LLC, 19 Sycamore Avenue, Little Silver, NJ 07739  
Block 33, Lot 18.01, 84 Lafayette Street, \$1,398.00
9. SR Whelan Development Corp., PO Box 547, Rumson, NJ 07760  
Block 45, Lot 7, 12 North Street, \$1,504.00

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded along with each refund check; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Chief Financial Officer, Tax Assessor, Construction Official and Planning Officer; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Director of the State of New Jersey Council on Affordable Housing.

Resolution seconded by Councilman Hemphill and carried on the following roll call vote:

In the affirmative: Broderick, DeVoe, Hemphill, Kammerer, Rubin and Shanley.

In the negative: None.

Absent: None.

**RESOLUTION TO AUTHORIZE THE REFUND OF THE MAINTENANCE BOND TO RUMSON COUNTRY DAY SCHOOL:**

Councilman Kammerer offered the following resolution and moved its adoption:

**RESOLUTION**

WHEREAS, in letters dated October 17, 2003, the Borough Engineer advised that all bonded improvements for Phases I and II of the Rumson Country Day School Improvements have been completed, and recommended that the performance bond for these two projects be released subject to the posting of a 2-year maintenance bond; and

WHEREAS, the Borough Engineer in letters dated October 6, 2005, advised that all improvements remained in satisfactory condition during the 2-year maintained period and

recommend that the maintenance bond for both Phases I and II of the Rumson Country Day School Improvements be released; and

WHEREAS; the projects are now complete;

NOW, THEREFORE BE IT RESOLVED that the Borough Council of the Borough of Rumson hereby approves the release of the balance of escrow fee, in the amount of \$3,827.67, which was posted in conjunction with Phases I and II of the Rumson Country Day School Improvements.

Resolution seconded by Councilman Rubin and carried on the following roll call vote:

In the affirmative: Broderick, DeVoe, Hemphill, Kammerer, Rubin and Shanley.

In the negative: None.

Absent: None.

#### **APPROPRIATIONS TRANSFER RESOLUTION:**

Councilman Broderick offered the following resolution and moved its adoption:

#### **RESOLUTION**

WHEREAS, it has become necessary to expend for certain purposes specified in the budget an amount in excess of the respective amounts appropriated therefore, and there shall be an excess in one or more appropriations; and

BE IT RESOLVED by the Mayor and Council of the Borough of Rumson (by 2/3 vote) that the following transfers between appropriations be and the same are hereby approved:

#### **TO:**

Police Department Other Expenses	\$10,000.00
Sewer Department Other Expenses	\$ 5,000.00
Fire Department Salaries & Wages	<u>\$ 5,000.00</u>
Total:	\$20,000.00

#### **FROM:**

Police Salaries & Wages	\$15,000.00
Aid to Fire Company	<u>\$ 5,000.00</u>
Total:	\$20,000.00

BE IT FURTHER RESOLVED that the Borough Chief Financial Officer be and is hereby authorized and directed to debit and credit said accounts for 2006 accordingly.

Resolution seconded by Councilman Shanley and carried on the following roll call vote:

In the affirmative: Broderick, DeVoe, Hemphill, Kammerer, Rubin and Shanley.

In the negative: None.

Absent: None.

**RAFFLE APPLICATION FOR JUVENILE DIABETES RESEARCH FOUNDATION INTERNATIONAL:**

The Municipal Clerk/Administrator stated that he had received an application for a raffle from the Juvenile Diabetes Research Foundation, 120 Wall Street, New York, NY. Said raffle to be held at 166 Bingham Avenue on May 19, 2007 at 10:00 p.m.

The Clerk stated that the application was in order and fees paid.

On motion by Councilwoman DeVoe, seconded by Councilman Hemphill, this application was approved. All in favor.

**RAFFLE APPLICATION FOR THE PARENT COUNCIL OF THE RUMSON COUNTRY DAY SCHOOL:**

The Municipal Clerk/Administrator stated that he had received an application for a raffle from the Parent Council of the Rumson Country Day School, 35 Bellevue Avenue. Said raffle to be held at Rumson Country Day School on February 10, 2007 at 6:00 p.m.

The Clerk stated that the application was in order and fees paid.

On motion by Councilwoman DeVoe, seconded by Councilman Hemphill, this application was approved. All in favor.

**RAFFLE APPLICATION FOR RUMSON EDUCATION FOUNDATION:**

The Municipal Clerk/Administrator stated that he had received an application for a raffle from the Rumson Education Foundation, Forrest Avenue. Said raffle to be held at Forrestdale School on December 12, 2006 at 7:00 p.m.

The Clerk stated that the application was in order and fees paid.

On motion by Councilwoman DeVoe, seconded by Councilman Hemphill, this application was approved. All in favor.

**ANNOUNCEMENTS BY THE MAYOR:**

Mayor Ekdahl made the following Announcements:

1. I would like to remind all Rumson residents not to place branches and brush at the curb during the months of November and December, leaf season. The Borough must concentrate on the removal of leaves, which are taken to a farm for recycling. Please don't wait until spring to put out fall leaves because the farm will not accept them after December.

Leaves cannot be mixed with branches or brush.

Please refer to the annual brochure explaining the Borough's garbage, leaf and brush collection and recycling rules and regulations.

2. Borough Hall will be closed on Friday, November 10<sup>th</sup> in observance of Veteran's Day. There will be no garbage collection on Friday, November 10<sup>th</sup>. All those whose garbage day falls on that Friday will have to wait until their next regular pickup day.
3. There will be a Veterans' Day Ceremony held in Victory Park on Saturday, November 11<sup>th</sup> at 11:00 a.m. At that time, the names of the Veterans that have been added to the Veterans Monument will be announced. We hope that you will join us.
4. The Borough has begun plans for Rumson's Centennial in 2007. The Centennial Committee will be meeting November 9<sup>th</sup> to continue work on the many planned events and projects. Look for information in the *Rumson Borough Bulletin*.

Thank you for your cooperation.

#### **COMMENTS FROM THE COUNCIL:**

The Mayor afforded the members of the Council an opportunity to be heard at this time and no one responded.

#### **COMMENTS FROM THE PUBLIC:**

The Mayor afforded the public an opportunity to be heard at this time and no one responded.

#### **FINANCIAL OFFICER'S REPORT:**

The Financial Officer's Report disclosed the following cash on hand in the Current Fund Account as of November 2, 2006:

Wachovia Bank		
Balance:	10/19/06	\$ 4,466,546.94
Cash Receipts:		\$ 4,523,418.58
Void Check		\$ 0.00
Pre-Paid Items:		\$ (1,000,333.20)
Bills & Claims:	11/02/06	\$ (5,878,886.39)
Payroll:	10/30/06	\$ (192,419.37)
Wachovia Bank Balance:		<u>\$ 1,918,254.56</u>
Certificate of Deposits:		\$ 8,000,000.00
Money Market Funds:		\$ 0.00
Total Current Fund:		\$ 9,918,254.56

On motion of Councilman Broderick, seconded by Councilman Shanley, the Financial Officer's Report was ordered received and carried on the following roll call vote:

In the affirmative: Broderick, DeVoe, Hemphill, Kammerer, Rubin and Shanley.

In the negative: None.

Absent: None.

**CONSIDERATION OF BILLS AND CLAIMS (RESOLUTION):**

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Councilman Kammerer offered the following resolution and moved its adoption:

\$	15,459.33	A Montone Construction Inc
\$	37,455.60	L & L Paving
\$	2,935.20	T & M Associates
\$	21,326.45	Tomaino Tomaino
\$	4,355.75	AR Communications
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\$	81,532.33	Capital Control Account
\$	333.20	Postmaster
\$	1,000,000.00	Two River Community Bank
\$	50.04	Action Office Supplies
\$	76.00	Americanwear Indust Uniforms
\$	10.00	American Messaging
\$	513.00	AR Communications
\$	74.21	AT&T
\$	656.76	Avaya Inc
\$	95.50	Bob's Uniform Shop
\$	83.40	Boro of Rumson Petty Cash
\$	27.99	Loretta Chebookjian
\$	274.55	Circle Chevrolet
\$	407.03	Coast Cities Equipment Sales
\$	18.59	Comcast of Monmouth
\$	2,138,037.90	Monmouth County Treasurer
\$	126,752.04	Monmouth County Treasurer (LIB)
\$	119,016.48	Monmouth County Treasurer (OS)
\$	513.00	Custom Tire Associates
\$	200.52	Delta Dental Plan of NJ
\$	143.00	Deptcor
\$	434.26	Emergency Medical Products
\$	360.17	Fair Haven Hardware
\$	750.00	James Fenn
\$	111.48	Helen L Graves
\$	138.84	Jane F Hartman
\$	239.85	Interstate Batteries
\$	10,134.60	JCP&L
\$	664.77	Johnny on the Spot
\$	639.66	Lawes Oil
\$	58.16	Mazza and Sons Recycling
\$	2,566.68	McCarter & English LLP
\$	8,605.05	Monmouth County Regional

\$	1,381.00	Micro Strategies
\$	640.47	Monmouth Telecom
\$	220.00	Dr Brendan J Mulholland
\$	264.92	Naylor's Inc
\$	9,944.81	New Jersey American Water
\$	213.78	Sprint Nextel
\$	348.63	NJ Natural Gas Co
\$	30.00	NJ League of Municipalities
\$	37,562.19	State of NJ Pensions/Active
\$	57,966.92	State of NJ Pensions/Retiree
\$	125.00	Sabine O'Connor
\$	1,200.00	Oswald
\$	1,185.67	Elsalyn Palmisano
\$	675.00	Quality Communications
\$	345.95	Rosano Asphalt
\$	1,782,523.33	Rumson Elementary School Dist
\$	1,557,135.87	RFH Regional High School
\$	89.06	Sanitation Equipment Corp
\$	765.87	George Scoefield
\$	30.50	Seaboard Welding Supply Inc
\$	1,000.00	Shrewsbury Borough
\$	143.96	Snap On Tools
\$	1,868.22	T & M Associates
\$	420.00	Targeted Technologies LLC
\$	2,489.71	Tony D's Auto Body Inc
\$	4,428.00	Treasurer State of NJ
\$	100.00	Treasurer State of NJ
\$	7.60	The Two River Times
\$	747.04	Verizon
\$	192.14	Verizon Wireless
\$	9.32	George Wall Lincoln Mercury
\$	525.00	Warnock Dodge
\$	2,400.00	West Bergen Enterprises Inc
\$	252.90	ZEP Manufacturing Company
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\$	6,879,219.59	Current Fund
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\$	427.50	Richard Ardolino
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\$	427.50	Endowment Inc Account
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\$	555.50	Athlete's Alley
\$	125.00	Timothy Geltzeiler
\$	45.95	John Hird
\$	469.95	Nelson Press
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\$	1,196.40	Recreation Account
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\$	5,173.00	Michael & Linda DeCelle
\$	8,630.00	Rosanna Fazio & John Floyd
\$	790.00	First Avenue Corp



\$	970.00	Jann Enterprises
\$	1,398.00	Little Silver Investors LLC
\$	3,803.00	Denise & Kostantinos Natsis
\$	713.00	Oceanside Builders
\$	9,092.00	Steven Raia
\$	3,827.67	Rumson Country Day School
\$	1,504.00	Whelan Development Corp
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\$	35,900.67	Trust Account
\$	30.50	Current Fund Appropriations
\$	6,879,189.09	Current Fund Appropriations
\$	81,532.33	Capital Fund Disbursements
\$	427.50	Endowment Disbursements
\$	1,196.40	Recreation Disbursements
\$	35,900.67	Trust Fund – Other Expenses
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\$	6,998,276.49	Total Of All Funds

Resolution seconded by Councilman Broderick and carried on the following roll call vote:

In the affirmative: Broderick, DeVoe, Hemphill, Kammerer, Rubin and Shanley.

In the negative: None.

Absent: None.

#### **ADJOURNMENT:**

On motion by Councilwoman DeVoe, seconded by Councilman Broderick, the meeting adjourned at 7:36 p.m. All in favor.

Respectfully submitted,

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Thomas S. Rogers, R.M.C.  
Municipal Clerk/Administrator